

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: April 18, 2001
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Gilbert S. Coloma-Agaran called the meeting of the Commission on Water Resource Management to order at 9:19 a.m.

The following were in attendance:

MEMBERS: Mr. Gilbert S. Coloma-Agaran, Dr. Bruce Anderson, Mr. Robert Giraldo, Mr. Brian Nishida, Mr. Herbert Richards, Jr.

STAFF: Ms. Linnel Nishioka, Mr. Roy Hardy, Mr. Ed Sakoda, Mr. Eric Hirano, Mr. Glenn Bauer, Ms. Lenore Nakama, Mr. Charley Ice, Mr. Ryan Imata

EXCUSED: Mr. David Nobriga

COUNSEL: Edsel Yamada

OTHERS: John Field, Steve Piper, Moana Lee, Manabu Tagomori, Naomi Kuwaye, Gordon Tribble

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties.

1. Minutes of the February 28, 2001 meeting

MOTION: (RICHARDS/NISHIDA)
To approve the minutes.
UNANIMOUSLY APPROVED.

2. Old Business/Announcements by Deputy Director Linnel Nishioka

The Commission's existing uses bill has passed the House and Senate and is on its way to be signed by the Governor.

The latest draft of the budget has basically eliminated any funding for the Commission's added line item funding. Deputy Director Nishioka asked the Commissioners for help in lobbying to get the funds reinstated. Alternative sources are also being looked into.

3. Waiahole Ditch Combined Contested Case Hearing, Establish a Committee to Recommend Funding Amounts for Studies and Monitoring Activities and to

Coordinate and Set Up the Mechanism for the Collection, Accounting, and Distribution of Funds

This item was deferred because of lack of quorum.

4. Proposed Revised Penalty Guideline Policy (G-99-01-Revised)

PRESENTATION OF SUBMITTAL: Deputy Director Nishioka

AMENDED RECOMMENDATIONS:

Staff recommends that the Commission adopt the Revised Penalty Guideline (G99-01-Revised) in Exhibit 2.

A correction was made in Exhibit 2, IV, D to take out the word “not” in the first sentence. Commissioners Richards and Anderson suggested that “human health” be deleted in IV, B and IV, B, 2. It should be left to the Department of Health to pursue these types of violations.

Commissioner Nishida suggested that in the Mitigation Component section “self reporting in a timely manner” on the part of the party who may be in violation be included.

Chairperson Agaran stated that if the list is not inclusive then it should say included but not limited to.

In the areas where it is mentioned “violation where no permit is issued”, Commissioner Anderson questioned the appropriateness of having to wait until someone receives a notice of violation before any sort of penalties would apply. It would encourage people to wait to get the notice. He then suggested an informal notice of violation be sent.

Commissioner Girald suggested including a statement about discretionary retroactivity to indicate potential of a flagrant violation to the rule.

Deputy Director Nishioka stated that the staff have been verbally informing of violations that are occurring instead of sending out informal notices. The mitigation component section would assist staff if the violation to the rule was flagrant.

MOTION: (RICHARDS/NISHIDA)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

5. Punahou School PROPOSED CORRECTION OF CERTIFIED EXISTING USE From WUP No. 10 (0.142 mgd) to WUP No. 586 (0.158 mgd) OVERPUMPAGE VIOLATION Punahou School (Well No. 1849-10), TMK 2-8-18:01 Nuuanu Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Mr. Lenore Nakama

AMENDED RECOMMENDATIONS:

Staff recommends that the Commission:

1. Find that the demolition of the pool and showers resulted in anomalously low water usage for Well No. 1849-10 during calendar years 1979 and 1980, which resulted in a lower than normal water usage being certified for Punahou by the BLNR.
2. Find that the existing use allocation WUP No. 10 for Well No. 1849-10 should be greater than 0.142 mgd and that a 0.040 mgd upward adjustment should be applied to the metered usage for the latter two years (1979-80) of the five-year period on which existing use was based.
3. Find that this revisitation of existing use certified by the BLNR is a unique situation and should not set a precedent for reviewing other existing use allocations in former Ground Water Control Areas.
4. Approve the issuance of a water use permit (WUP No. 586) to Punahou School for the reasonable and beneficial existing use of 0.158 million gallons per day of potable water for municipal and irrigation use from the Punahou School Well (Well No.1849-10), subject to the standard water use permit conditions listed in Attachment A and the following special conditions:
 - a. Should an alternate permanent source of water be found for this use, the Commission reserves the right to revoke this permit, after a hearing.
 - b. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
 - c. This water use permit, WUP No. 586, shall supersede WUP No. 10.
 - d. WUP No. 10 is revoked.
5. Require Punahou to come into compliance with the 0.158 mgd allocation amount within one year from the date of this submittal.
6. Find that a violation of the water use permit for Well No. 1849-10 (WUP No. 10) occurred for pumping above the allocated limit.
7.
 - a. Assess a fine of \$30,900 for the overpumpage violation, in recommendation 6, to be paid within thirty (30) days from this submittal's date.
 - b. In the alternative to Recommendation 7.a., require Punahou School to pay a \$500 fine and institute a water conservation educational program that incorporates an implementation plan to utilize the spring water and/or rain catchment to meet irrigation demands, if feasible, to educate students on the

value of our most precious resource and the importance of water conservation and reclamation. If Punahou selects this alternative to Recommendation 7.a., within thirty (30) days, Punahou shall so inform the Commission, pay the \$500 fine, and submit a description and schedule for their water conservation educational program.

- c. Issue a warning that any future overpumpage violation may result in fines of up to \$1000 per day.

Ms. Nakama made a correction to the submittal to read 0.158 mgd instead of 0.142 mgd.

TESTIMONY BY APPLICANT:

Messrs. John Field and Steve Piper of Punahou School thanked Ms. Nakama for her assistance in this matter. He also stated that the school has a water conservation education program that starts from the first grade.

In addition to the fine and the institution of an education program, Commissioner Anderson suggested Punahou to submit a report on their water reclamation and conservation project.

MOTION: (ANDERSON/GIRALD)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

- 6. **U.S. Geological Survey Request for Variance to Hawaii Well Construction and Pump Installation Standards, Waiohuli and Puu o Kali Deep Monitoring Wells (Well Nos. 4421-01 and 4423-01), TMK 2-2-2:14, Hawaiian Home Lands, Waiohuli Mauka, Kula, Maui**

PRESENTATION OF SUBMITTAL: Mr. Charley Ice

RECOMMENDATIONS:

That the Commission approve a variance to HWCPIS Section 2.6(c) Minimum Depth of Grouted Annular Space for the Waiohuli and Puu o Kali Deep Monitor Wells (Well Nos. 4421-01 and 4423-01) to grout only the first 200 feet of solid casing.

MOTION: (RICHARDS/GIRALD)

To approve the submittal.

UNANIMOUSLY APPROVED.

- 7. **City and County of Honolulu, Department of Enterprise Services, Golf Course Division, APPLICATION FOR A WATER USE PERMIT EP 2 (Well No. 2201-03,04,07), TMK 9-1-17:60, New (Backup Irrigation) Use for 0 mgd, Waipahu-Waiawa Ground Water Management Area, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission approve the issuance of water use permit no. 585 to Department of Enterprise Services, Golf Course Division for the reasonable and beneficial use of 0 million gallons per day of Non-Potable water for Backup Irrigation from EP 2 (Well Nos. 2201-03,04,07) for the individual projects shown in Table 2, subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. Should an alternate backup source of water be found for this use, the Commission reserves the right to revoke this permit, after a hearing.
2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
3. In the event that emergency water use occurs, the permittee shall notify the Commission in writing within 1 day of pumping, to inform the Commission as to the nature of the emergency and the expected duration of the emergency. A water use report shall also be filed pursuant to Standard Condition 10 and Administrative Rule 13-168-7.
4. Attached for information is a copy of the Department of Health's (DOH) review comments. Please note DOH's requirements related to non-potable water systems (Exhibit 8).
5. Standard Condition 16 requiring the submittal of a water shortage plan is waived.

MOTION: (ANDERSON/RICHARDS)

To approve the submittal.

UNANIMOUSLY APPROVED.

Chairperson Agaran adjourned the meeting at 10:21 am.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA
Deputy Director